STATUTORY INSTRUMENTS

1969 No. 1821

LANDLORD AND TENANT

The Rent Regulation (Forms etc.) (England and Wales) (Amendment) Regulations 1969

Made - - - -	18*th December* 1969
Laid before Parliament	31*st December* 1969
Coming into Operation	1*st January* 1970

The Minister of Housing and Local Government, in relation to England other than Monmouthshire, in exercise of the powers conferred on him by section 37(1) of the Rent Act 1968(**a**) and of all other powers enabling him in that behalf, and the Secretary of State, in relation to Wales and Monmouthshire, in exercise of the powers conferred on him by sections 37(1) and 114(1) of the said Act and of all other powers enabling him in that behalf, hereby make the following regulations:—

1. These regulations may be cited as the Rent Regulation (Forms etc.) (England and Wales) (Amendment) Regulations 1969 and shall come into operation on 1st January 1970.

2.—(1) In these regulations "notice of increase" means a notice of increase under section 22(2) of the Rent Act 1968.

(2) The Interpretation Act 1889(**b**) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. Schedule 1 to the Rent Regulation (Forms etc.) (England and Wales) Regulations 1969(**c**) shall be amended as follows—

(1) in the heading of Form No. 3 after the words "Housing Act 1969" there shall be inserted the words "or the Rent (Control of Increases) Act 1969"; and

(2) immediately after Form No. 5 there shall be inserted the Form No. 5A set out in the Schedule to these regulations as the form prescribed for a notice of increase served consequent upon the registration of a rent under Part IV of the Rent Act 1968 where there is a period of delay under section 5 of the Rent (Control of Increases) Act 1969(**d**).

(**a**) 1968 c. 23.
(**b**) 1889 c. 63.
(**c**) S.I. 1969/1184 (1969 II, p. 3483).
(**d**) 1969 c. 62.

SCHEDULE

FORM NO. 5A

RENT ACT 1968

(RENT (CONTROL OF INCREASES) ACT 1969)

Rent Act, section 22

Notice of Increase of Rent where there are restrictions on rent increases under the Rent (Control of Increases) Act 1969 (Note 1)

Date.....

To ..... tenant of

.....

Strike out words in square brackets if they do not apply

1. A rent of £. s. d. per..... was registered on..... as the fair rent for the above-mentioned premises (Notes 2 and 3) [of which £. s. d. per..... was noted in the register as the amount apportioned to services provided by the landlord or a superior landlord (Note 4)].

2. Where a rent for a dwelling which is subject to a regulated tenancy is registered in 1970 or 1971, the entitlement of the landlord to increase the rent payable for a statutory period of the tenancy is, by virtue of Section 5 of, and the Schedule to, the Rent (Control of Increases) Act 1969, subject to certain limits (Note 5).

[3. It is noted in the register that the rates for the above-mentioned premises are paid by the landlord. These are currently £. s. d. per [half-year] [year] and the landlord is entitled to add this amount to the rent he is otherwise permitted to obtain (Note 6)].

4. I hereby give you notice that your rent will be increased as follows:

Present rent			Increase in rent			New rent			Date of new rent
per.....			per.....			per.....			as from (Note 7)
£.	s.	d.	£.	s.	d.	£.	s.	d.	

5. The rental period for which the rent is being increased by this notice begins in the [first] [second] year of the period of delay (Note 8), and the following information is relevant to the calculation of the increase.

Previous limit (Note 9) .. .. £. s. d. per.....

[Services apportionment (Note 4)] .. £. s. d. per.....

[6. The new rent includes the sum of £. s. d. per.....in respect of rates paid by the landlord or a superior landlord].

Signature of [landlord] [agent authorised to serve this notice] .....

[Name of landlord if notice served by agent .....]

Address of landlord .....

.....

[Address of agent] .....

.....

NOTES

1. This notice of increase is needed where a dwelling-house is let on a tenancy—

(*a*) which is regulated under the Rent Act 1968 ; and

(*b*) which either has become a statutory tenancy or will become one under Section 26(3) of that Act (Note 10) ; and

(*c*) for which a rent is registered under that Act in the year 1970 or 1971, other than :

(i) a rent to which the restrictions on rent increases under the Housing Act 1969 apply ; or

(ii) a rent registered in accordance with a Certificate of Fair Rent (except in the case of a rent so registered which is in substitution for a rent where there is a period of delay under the Rent (Control of Increases) Act 1969) ; or

(iii) a rent registered under Section 49 of the Rent Act in accordance with a rent condition attached by a local authority to an improvement grant ; or

(iv) a rent in the case of a regulated tenancy which arose under Part I of the Landlord and Tenant Act 1954 on the termination of a long tenancy which was registered (or is deemed to have been registered) while the rent payable continued to be that last payable under the long tenancy.

2. If there is still a contract of tenancy between the landlord and tenant the registration of a rent which is higher than the rent payable under that contract does not allow the landlord to increase the rent unless the terms of the contract permit him to do so. In the case of a registration where there is a period of delay under the Rent (Control of Increases) Act 1969 the limits under the Act continue to apply notwithstanding any agreement purporting to entitle the landlord to charge a higher rent.

3. If a contractual tenancy has come to an end and the tenant is holding over as a statutory tenant under the Rent Act, the landlord may increase the rent to the extent permitted by the Rent (Control of Increases) Act 1969 by the service of Notice(s) of Increase.

4. The amount apportioned to services (the 'services apportionment') is that part of the increase in rent which is treated as representing an increase in the cost of any services provided by the landlord or a superior landlord. The services apportionment can be added in full and is not subject to phasing.

5. (i) For rents registered in 1970, one-third of the net increase (or 7s. 6d. per week if one-third is less than this) can be added from the commencement of the first rental period following registration, one-third (or 7s. 6d. per week if one-third is less than this) on the corresponding date in 1971 and one-third (or the balance) on the corresponding date in 1972.

(ii) For rents registered in 1971, one-third (or 7s. 6d. per week if one-third is less than this) can be added from the first rental period following registration, and the balance on the corresponding date in 1972.

6. The phasing restrictions do not apply to any changes in rent resulting from changes in rates borne by the landlord or a superior landlord.

7. This date must be a date which is not earlier than :

(i) the date of registration, or

(ii) four weeks before the service of this Notice, or

(iii) the commencement of the first rental period beginning during the first or second year of the period of delay as the case may be.

8. The appropriate proportion by which the rent for any rental period may be increased is:

(*a*) one-third (or 7s. 6d. per week if one-third is less than this) if the rental period begins in the first year of the period of delay; and

(*b*) (in a case where the period of delay is two years) two-thirds (or 15s. per week if two-thirds is less than this) if the rental period begins in the second year of the period of delay.

The period of delay with respect to any rent is:

(*a*) if the rent is registered in 1970, two years;

(*b*) if the rent is registered in 1971, one year;

from the date on which the rent is registered.

9. The previous limit of rent is the amount which the landlord could have charged immediately before the registration in question, on the assumption that he had served all permissible notices of increase. It is the base from which the phasing calculation starts.

10. If this Notice is served while the regulated tenancy is still a contractual one and the landlord, by serving a notice to quit at the same time as this Notice, could bring the tenancy to an end before the date specified in this Notice for the increased rent to take effect, this Notice will operate to convert the tenancy into a statutory tenancy as from that date.

Given under the official seal of the Minister of Housing and Local Government on 18th December 1969.

(L.S.)

Denis H. Howell,
Minister of State,
Ministry of Housing and
Local Government.

Given under my hand

George Thomas,
One of Her Majesty's Principal
Secretaries of State,
Welsh Office.

18th December 1969.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations, which apply throughout England and Wales, amend slightly the heading of Form No. 3 in Schedule 1 to the Rent Regulation (Forms etc.) (England and Wales) Regulations 1969. They also prescribe a new form of notice of increase of rent to be served in cases where a rent is registered under Part IV of the Rent Act 1968 and there is a period of delay under the Rent (Control of Increases) Act 1969.